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PATENT

In re Application of:

KAREL VAN DEN BERG

Serial No.: 09/642,828

Filed: August 22, 2000

For: A FEEDING AND/OR DRINKING COLUMN ON BEHALF OF ANIMALS

Docket No.: 8553/189

Group Art Unit: 3644

Examiner: Bret C. Hayes

RESPONSE TO RESTRICTION REQUIREMENT

To the Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Restriction Requirement imposed in the above-identified Application on August 23, 2006. The Restriction Requirement is directed to groups of claims, to wit:

Group I - Claims 80-100 and 102, drawn to a column for providing food or drink, or both, to animals; and

Group II - Claim 101 drawn to an apparatus for automatically feeding animals.

It is alleged in the Official Action that the inventions of Groups I and II do not relate to a single general inventive concept because they lack the same or corresponding special technical features. Thus it is stated that the Group I claims do not require, explicitly or implicitly, any

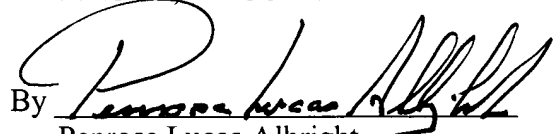
processing equipment such as "a computer memory...wherein the nutrition needs of each animal... are stored in said memory."

Applicant provisionally elects the Group II claims for prosecution in the instant Application. However, the Restriction Requirement is respectfully traversed.

The U.S. Patent Examiner is correct to the extent that Claim 101 is considerably more detailed and specific than the Group I claims. However, its fundamental patent law that each claim is to be considered independently of all other claims and patentably distinct therefrom. Moreover, a Restriction Requirement cannot be based on grounds of patentable distinction alone. The authority to impose a Restriction Requirement is 35 U.S.C. §121 when two or more independent and distinct inventions are claimed in one application. In this case, although Claim 101 is more detailed than Claims 80-100 and 102, it is not independent therefrom and clearly involves the same or a closely similar inventive concept. Contrary to what is set forth in the Official Action, it is submitted that the Group I and Group II claims do relate to a single general inventive concept whereupon they are entitled to be examined in one rather than two patent applications contrary to the Restriction Requirement of the Official Action involved. Accordingly, reconsideration is most respectfully requested.

Respectfully submitted,

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